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Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

List of issues and questions in relation to the combined third to seventh periodic reports of Senegal

Addendum

Replies by Senegal**

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Constitutional and institutional framework and access to justice

1. Existence of discriminatory provisions in national legislation, particularly in the Family Code and the Labour Code

1. The principle of respect for human rights, including equal rights for women and men, is one of the core pillars of the Senegalese constitutional order.

2. In its 2001 Constitution, Senegal did more than proclaim the primacy of duly ratified and published conventions and treaties over laws. It also included in the preamble to that fundamental law the human rights conventions adopted by the African Union and the United Nations and ratified by the State. By that token, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is one of those accorded constitutional rank; that is to say, in terms of the hierarchical status of legal provisions, it is as binding as the Constitution itself.

3. In addition, the Senegalese State is in the process of harmonizing its legislation with international and regional instruments. In connection with that process, a diagnostic assessment of regional and international gender equity and equality instruments revealed that, despite the existence of a regulatory and institutional framework favourable to gender equity and equality and considerable progress in that direction, there are on-going challenges due to the persistence of laws that do not take gender into account.

4. These are the Family Code (the age at which marriage is legally permitted, marital rights and paternal authority, the establishment of filiation); the Criminal Code (Articles 305 and 305 bis) – Severe penalties for abortion and attempted abortion, and the tolerance of acts of violence against women, such as early marriage, forced marriage, and impunity for prostitutes' clients); the Nationality Code (transmission of nationality); the Social Security Code (Article 6 of Law No. 73-37 of 31 July 1973); the Labour Code; Article 20 of Law No. 71-31 of 12 March 1971, amending Law No. 61-33 of 15 June on the General Statutes governing Civil Servants .

5. The State has, nonetheless, made numerous efforts to eliminate these discriminations. For instance, the amended Nationality Code allows Senegalese women to pass on their nationality to their spouse or to their children.

Submission of a case to the Constitutional Council

6. By filing an appeal on grounds of unconstitutionality, any party to a lawsuit may contest the constitutionality of a law to be applied to her or his lawsuit. Such an appeal is only allowed for cases pending before the Supreme Court only (to the exclusion of any other court), which recuses itself and refers the case to the Constitutional Council.

7. The Constitutional Council may not take on a case ex officio; in other words, it may only exercise its powers if a case is referred to it. And yet, if it detects in the contested law or international commitment submitted for its review, a violation of the Constitution that has not been invoked, it is required to raise the matter ex officio, pursuant to Article 15 of the Organic Law governing the Constitutional Council.

8. In short, any woman who considers that a law containing discriminatory clauses has been used against her can try to file an appeal on constitutional grounds before the Supreme Court, which refers the case to the Constitutional Council.

Please indicate whether any women have brought such an action

9. No such appeals have yet been filed, for the moment, but, legally speaking, provision has been made for such a procedure.

2. Political moves favouring more accessible local justice

10. In its desire to guarantee everybody equal access to justice, as part of its sectoral justice programme Senegal has set up a single mechanism comprising:

- "Law Centres" (*Maisons de justice*);
- 14 information offices;
- 14 offices to receive and counsel persons subject to trial (*justiciables*);

The functions of "Law Centres":

- To provide legal information;
- To settle legal disputes through mediation and reconciliation;
- To help people subject to trial to obtain certain documents issued by the courts;
- Crime prevention through the implementation of small social welfare projects.

11. Their services are provided free of charge, since their goal is to enable vulnerable segments of society to have access to public justice system services.

12. 17,000 mediation and reconciliation case files have been processed with a more than 70% success rate.

13. More specific attention has been paid to the situation of women through the establishment of 11 "listening offices," inside the "Law Centres." Their purpose is to take care of women victims of gender-based violence.

14. The offices to receive and counsel persons to be tried are designed to provide guidance to users and to provide them with useful information relating to their concerns.

Obstacles to women's access to justice.

15. Several types of obstacles exist: sociological, material, legal and others, along with some women's unfamiliarity with the legal provisions protecting a number of their rights.

16. The government, with the support of its technical and financial partners, is bent on gradually eliminating those obstacles. That is why further involvement by partners is welcomed, including that of UN Women, Italian Cooperation and other donors and creditors concerned, in order to ensure that changes – which include, by the way, providing women victims of violence with medicines and financial support, are sustained over time. The obstacles to be overcome include the stereotypes that continue to feed women's and families' reluctance to seek justice through the courts.

Free legal aid for indigent women and the chances of civil society intervening.

17. Citizens who are destitute (including women) can benefit from court aid.

18. As for intervention by civil society organizations, the following options are worth mentioning:

- The involvement of female jurists who can ensure support and assistance for women to see to it that justice is done;
- Intervention by human rights organizations, which also have mechanisms enabling them to act swiftly. Some of their lawyers represent women ex officio.

Customary law courts *(Juridictions coutumières)*

The Senegalese justice system does not provide for customary law courts. (It comprises: a supreme court, six appeal courts, 14 regional courts (*Tribunaux de Grande Instance*). 14 labour law courts, and 44 magistrate's courts (*Tribunaux d'Instance*).

Specify whether women married under customary law have access to civil courts on matters relating to their marriage, domestic relations and inheritance.

20. Article 17 of the Constitution stipulates that marriage and the family constitute the natural and moral basis of the human community. They are protected by the State.

21. As of 1 January 1973, family law has been standardized and all Senegalese are governed by the Family Code.

22. Custom no longer has the force of law. A marriage under customary law not ascertained by a registrar is valid, but cannot be asserted vis-à-vis the State. On the other hand, a posteriori formalization of a customary marriage by a civil registrar, family judge, or president of a magistrate's court enables the spouses to obtain a marriage certificate.

23. Formalization of a customary marriage enables the wife to apprise the courts of matters relating to the marriage, domestic relations, and inheritance.

24. In addition, divorce has to be handled by the judiciary. Customary divorce, known as repudiation, is not legally recognized as divorce. It is just a ground for divorce. In Senegal, all family issues are settled by the courts.

3. State whether the Convention has been invoked by a Senegalese court.

25. Women are entitled to do so. However, no woman party to a lawsuit has had to contest the constitutionality of a law that would have been applicable to her; whereby, it should be pointed out that such recourse is only possible if the lawsuit is before the Supreme Court, not any other kind of court.

Training of members of the judiciary on implementation of the provisions of the Convention

26. There is no access to information problem in Senegal. Magistrates and other legal practitioners have no difficulty referring to legal instruments whose violation gives rise to a proceeding, particularly since the Internet has made access to information so much easier.

27. As regards the promotion of Conventions and Treaties, international organizations take care both to promote them and to sensitize the Parties thereto.

Dissemination of the Convention and its optional protocol

28. Seminars, workshops and debates are organized to help promote the legal instruments ratified by Senegal.

29. Following ratification, and ushering in the implementation phase, a draft law is usually prepared by the body in charge of the area concerned. It is then validated by the Government and submitted for adoption by the National Assembly. Once the law has been passed, it is published in the Official Gazette.

Stereotypes and injurious practices

4. Budget allocated to the mechanism for the advancement of women and the spheres of competence of the personnel employed therein.

30. In Senegal, the budget allocated for the advancement of women forms an integral part of the budgets of each line ministry.

31. The budget of the National Mechanism specifically responsible for Women, the Family and Children is 0.81% (less than 1%) of the national budget.

32. The administrative personnel consist of specialists (legal experts, economists, experts on gender, planners, sociologists, etc.), who are often overwhelmed, as there are not enough staff to handle so many tasks.

33. The Ministry of Women, the Family and Children is the national mechanism responsible for family policy, the protection of women and children, and the establishment by women of enterprises and income-generating activities. It oversees gender mainstreaming in institutions, policies and programmes, pursuant to the National Strategy for Gender Equity and Equality (SNEEG).

Budgetary arrangements in the areas of education, health and rural development

34. In the health sector, a universal health care programme (CMU) has been established, aimed at reducing inequalities in access to health care and enhancing equity. It offers basic health insurance for all (particularly for those with low incomes and those who lack social protection via the social security system), together with supplementary health care coverage for the very poor.

35. The CMU offers cost-free deliveries and caesarean sections; cost-free health care for children from 0 to 5 years of age; a compulsory health care insurance scheme; and so on.

36. In the education sector, the 2013-2025 Program for Quality, Equity, and Transparency Improvements in Education (PAQUET) and the CFAF 100 million envelope for excellence scholarships exclusively for women researchers and female doctoral students are helping to boost parity.

37. As regards technical capacity building and personal development opportunities for women, the National Assistance and Training for Women Centre (CENAF) offers technical training courses and certificates in financial and administrative management and in such fields as participatory budgeting, leadership, and other areas designed to enhance performance. To expand access to CENAF for larger

numbers of women, in April 2015, the President of the Republic made CFAF 1 billion and a half available for the construction of three new centres.

Coordination among promoters of women's rights

38. Most ministries take gender into account in their activities. Half of them have a gender mechanism ranging from gender focal points to gender offices or units. For instance, Senegal's Ministry of Education has implemented boy-girl parity in elementary education since 2011, thanks, above all, to the national gender mainstreaming mechanism.

39. Cooperation with regional authorities is achieved with the support of regional governors and the decentralized offices of the Ministry of Women, the Family and Children.

Spheres of competence and coordination between the Ministry of Women, Children, and Female Entrepreneurship, the Senegalese Human Rights Committee, the Ombudsperson's Office, and the National Observatory on Gender Parity

40. The aforementioned Ministry supported the establishment of the National Observatory on Gender Parity (ONP), working in coordination with the women's organizations that advocated it. Major achievements of the ONP include its multisectoral and multidisciplinary composition (representatives of government institutions, civil society organizations, and other social organizations) and the way it is institutionally anchored in the government apparatus (attached to the Office of the President of the Republic), while enjoying independent administrative status.

41. The Ministry of Women has a focal point who acts as an adviser to the ONP, with which he/she also develops, through the services offered, especially close relations characterized by on-going efforts to forge consensus and dialogue on matters relating to discrimination against women, implementation of the law on parity, etc.

42. In addition, the Ministry of Women, the Family and Children regards it as part of its job to include the Senegalese Human Rights Committee as a strategic partner in some of its activities. It submits to that Committee, for its review and opinion, all Senegal's period reports to be presented to United Nations mechanisms.

The body competent to undertake initiatives on matters relating to discrimination against women

43. All the ministries are empowered to propose amendments to laws or new draft laws or decrees regarding tasks assigned to them (for example: the Ministry of Justice proposed the law instituting gender parity and the Ministry of Women proposed its implementing regulations. The Ministry of Women also advocated amending the nationality law and the Ministry of Justice wrote the decree amending that same law).

Implementation and evaluation of the programmes mentioned in paragraph 39 of the report

44. With respect to the programmes, they are still being implemented, along with new ones.

- *The Literacy and Occupational Apprenticeship Programme to Combat Poverty (PALAM 2009-2014)* facilitates women's access to functional literacy programmes and microfinance services to enhance their self-development. The original programme has concluded but Senegal is expecting a new phase of it;
- *The National Strategy for Gender Equality and Equity (SNEEG)*. Following an evaluation, this Strategy is being reviewed for implementation of the Fourth National Framework for the Advance of Women and Gender Equality;
- *The Integrated Program for Economic and Social Development (PIDES 2012-2015)* is geared toward the social inclusion of vulnerable groups and the socio-economic advancement of women and youth. By the time it ends, this programme is scheduled to invest a total of CFAF 1 billion 240,000,000 in the advancement of women and girls;
- The Fund to Promote Microfinance (FIMF), the National Fund for the Promotion of Female Entrepreneurship (FNPEF) and the National Credit Fund for Women (FNCF) are the instruments used by the Ministry of Women to finance women's capacity-building activities. Over the past five (5) years, financing provided by the FNCF and FNPEF amounted to CFAF 1 billion 950,000,000 and CFAF 5 billion, respectively. The FIMF provided approximately CFAF 435 million in support of decentralized financial systems;
- *The Matam II (PRODAM) Agricultural Development Program*, designed to contribute to the achievement of the main objective of the Poverty Reduction Strategy Paper (PRSP), namely to cut poverty by half by 2015, is being implemented in the Matam region, where it hopes to enhance the capacity of rural population to achieve a sustainable improvement in their living standards and conditions;
- *The Programme to Strengthen Economic and Social Dynamics (PRP/PRODES)* is based on the emergence of new grass-roots self-development initiatives and a regional push to boost the empowerment and economic standing of women and girls;
- *The Programme in Support of the Development of Female Entrepreneurship and Youth (PADEFJ – 2014-2018)* seeks to encourage the emergence of small and medium-sized enterprises (SMEs) run by young people and women, especially in the agricultural and services value chains, with a view to generating sustainable and decent jobs for youth and women.

45. Other initiatives are designed to support the effective empowerment of women, especially the community infant day care (*crèches*) programme and the mechanism for the provision of agricultural and labour-saving equipment to support the Head of State's Programme to Achieve Self-Sufficiency in Rice by 2017.

5. Ban on practices deemed to be injurious

46. The sociocultural and religious environment in Senegalese society still favours certain practices such as polygamy, levirate and sororate. Nevertheless, Senegalese law is very supportive of protection for women and of respect for their rights.

47. *Thus, while polygamy is still practised*, the law imposes restrictions by limiting the number of wives and rendering the choice of monogamy irreversible, even in the event of divorce and remarriage.

48. *Regarding levirate and sororate* [Tr. A custom by which a dead man's brother was obliged to marry the widow if there were no sons and the custom of marrying the younger sister of one's deceased wife, respectively]: these are cultural and religious issues that are not binding by law. A woman can reject them and, if coerced, can go to court. As a reminder, the law requires each future spouse to give his and her personal, free, and enlightened consent to marriage.

49. *Repudiation* does not dissolve the marriage bond. It is banned. Marriage celebrated according to customary procedures may only be dissolved by a judicial decision. Repudiation is regarded as a serious insult and punished as such.

50. *Regarding the denial of inheritance rights*: the principle pursued is devolution of an estate according to ordinary law rules. However, devolution according to Islamic law is possible provided that, while still alive, the deceased clearly manifested his will that the devolution of his estate be in accordance with the precepts of Islamic law. That will must be conveyed in a set of serious, free, and clearly stated facts. At that point, men and women are not treated equally.

51. *With respect to dietary taboos*, in fact there are no legal prohibitions but, rather, personal choices.

52. *Concerning birth spacing*, Senegal can be cited as a model of success with a communication policy combined with intense national awareness-raising of the health risks for mother and child associated with closely spaced pregnancies.

53. *As regards the prevention and suppression of child marriage and forced marriage*, Senegal has adopted an important legal instrument for preventing and putting an end to them. Thus, Articles 138 to 143 of the Family Code contain provisions that are highly protective of children and of women victims of a forced marriage. All judicial proceedings brought have ended in suspended penalties to discourage such practices, whenever the facts of the case have been shown to be accurate. An on-going sensitization campaign is also being waged.

Eradicate the practice of child marriage

54. Under civil law, violation of the prerequisites for marriage, including the personal consent of the spouses and the minimum age (18 for the man and 16 for the woman) mean that the marriage is null and void.

55. The amended criminal code now being finalized has criminal provisions punishing under-age and forced marriages. The provisions concerned are found in Articles 227 and 541 of the draft code. The punishments proposed are imprisonment for between 6 months and 2 year and a fine ranging from CFAF 500,000 to CFAF 2,000,000.

56. Through the National Child Protection Strategy (SNPE), Senegal aims to attach priority to the protection of children as it develops the country's human capital. Furthermore, as regards child marriage, the Government is planning to follow the African Union's changed stance and will shortly run the "Put an End to Child Marriage" campaign.

Genital mutilation

57. Implementation of the National Action Plan to expedite the renouncement of the practice of excision has helped mobilize State, civil society and community activists. The Action Plan, without discrimination, places communities squarely at the centre of the strategies, using a human-rights-based approach whereby all a community's members (women, youth, traditional and customary authorities, etc.) are empowered and made fully accountable. The Plan encourages communities to decide freely and conscientiously to renounce excision, through public statements to that effect and in actual practice.

58. Measures adopted to implement the Plan include:

- The establishment of a legislative and regulatory environment conducive to the discontinuance of genital mutilation;
- Improved health policies and services, including, in particular, the adoption of reproductive health service policies, standards and protocols that address genital mutilation of children, publication of the study on the obstetrical consequences of those practices, and so on.
- More in-depth partnership with religious authorities and public figures, the press and members of parliament;
- The drafting, by the Forum for African Women Educationalists (FAWE) and the Group for the Study and Teaching of Population Issues (GEEP), of elementary and secondary school curricula addressing the genital mutilation of children. However, those curricula are not in widespread use;
- The Communities Capacity-Building Programme (PRCC) has induced 5,935 communities to declare that they have abandoned the practice of excision. Despite those outcomes, however, there are monitoring difficulties. Thus, new phenomena have been observed, such as mothers performing excisions and the medicalization of the practice, according to a study on excision and migration conducted in 2012 by the Ministry Responsible for the Family and technical and financial partners.
- Demographic and Health Surveys (DHS) are now being conducted annually (since 2013).

59. The provisions of Law 99-05 of 29 January 1999 criminalizing female genital mutilation have been effectively enforced following a forceful media campaign in the various languages spoken in Senegal and the organization of ceremonies in which women performing excisions renounce the practice. In return, supportive measures have been adopted to help usher in the change.

60. All the surveys conducted have led to prosecution of relatives and of women performing excisions and final convictions have been handed down. Those actions have had a deterrent effect.

Overall strategy to change social and cultural norms

61. Efforts to achieve this objective are under way. It will be a matter of keeping an eye on developments and boosting the political strategy.

Measures taken to assess the impact of efforts undertaken to educated and sensitize the population to the injurious effects of these practices on girls and women

62. Several bodies have been set up to that end. They include, above all, the National Directorate for Gender Equity and Equality, the National Observatory on Gender Parity, and the National Unit to Combat Trafficking in Persons, Especially Women and Children.

63. Likewise, national plans and programmes are under way in this field, including implementation of the Beijing Platform for Action through the National Action Plans for Women (PANAF) and the National Strategy for Gender Equality and Equity. A 2010-2015 National Action Plan to Expedite Discontinuance of Excision has also been adopted and implemented.

Violence against women

6. *Sexual aggression against women:*

64. Senegal has tightened its enforcement mechanisms, ruling out stays in the execution of sentences and making it obligatory, under certain circumstances, to hand down double or maximum sentences.

65. In addition, the population has been sensitized to the need to report violence to the appropriate authorities in order to trigger legal proceedings.

66. Home is where most gender-based acts of violence are perpetrated (52.1%), with 42.3% occurring in other (professional, school, etc.) spheres. [Tr.CHECK FIGURES?] Gender-based violence in the domestic sphere persists because social relations between the sexes are based on power and authority and encourage abuses by men (husband, brother, brother-in-law, uncle, cousin...), which take the form of behaviour similar to gender-based violence, perceived as a private matter to be dealt with inside the family. That approach reduces them to merely domestic conflicts or family matters that the victims are reluctant to disclose outside family circles or close friends.

67. There were 560 convictions for rape, indecent assault and paedophilia [Tr. WHEN?]: 2.04% of all convictions.

Awareness-raising regarding legal provisions against all forms of violence

68. Apart from government institutions, women's associations, civil society organizations (the Senegalese Association of Women Jurists, the Committee to Combat Violence against Women...) and the media (the Association of Journalists against Rape and Sexual Abuse) all also play an active part in raising awareness regarding violence against women. Awareness-Raising days, such as the annual "16-day" campaign of activism against violence done to women and girl, are organized periodically.

Punishments prescribed for rape

69. The exacerbation of the punishments prescribed demonstrates how firmly Senegal is committed to effective steps to address these grave affronts to human dignity. Thus, if the victim is under 16 years of age, Article 320 of the Criminal Code provides for imprisonment for between 5 and 10 years. If mutilation, permanent disability, or kidnapping is involved that sentence is to be doubled.

70. If the rape ends in death, the perpetrators shall be punished as murderers.

71. If the victim is under 13 years of age, or is a vulnerable person due to pregnancy or her mental state, the maximum sentence (10 years imprisonment) must be handed down with no possibility of a stay of execution of sentence.

72. The criminal code also provides for more severe punishments when a child under 16 years of age is raped by a person exercising authority over the minor.

Legal provisions criminalizing marital rape and amendment of Article 285 of the Family Code.

73. For the time being, there are no imminent plans to criminalize marital rape. That being so, prison sentences are regularly handed down against husbands committing duly substantiated acts of violence against their spouses.

74. Senegalese lawmakers have prescribed severe penalties for acts of corporal punishment and convictions are regularly handed down against those who perpetrate them.

75. Furthermore, the social departments of the Ministry of Justice – in this case, the units of the Directorate of Supervised Education and Social Protection –have very broad powers to propose all relevant measures exclusively aimed at protecting the interests of children who are victims of corporal punishment.

Combating sexist violence

76. In connection with the implementation of the joint multisectoral program for the "eradication of gender-based violence and effective promotion of human rights," Senegal now has its first multisectoral national action plan for fighting gender-based violence and for effective protection of human rights.

77. Under that same framework, the Government also draws up and validates Standard Operational Procedures (SOP) for preventing and addressing such forms of violence.

Trafficking and the exploitation of prostitution

7. Combating trafficking in persons

78. Having adopted provisions to prevent and suppress procuring, forcible confinement and the abduction of vulnerable persons, Senegal has strengthened its legal system by criminalizing organized clandestine migrations and trafficking in visas and other travel documents or IDs.

Data on trafficking in persons

79. This practice is vigorously suppressed. It may take the form of:

- Exploiting panhandling by others: penalty of between 2 and 5 years in prison;
- Trafficking in migrants: penalty of between 5 and 10 years imprisonment.

80. Poor characterization of the facts by prosecutors makes it especially difficult to properly enforce the law against trafficking in persons,

81. Indeed, instead of a clear characterization [of what constitutes trafficking in persons], prosecutors use the terms procuring, vagrancy or panhandling. The courts

in Pikine and Tambacounda are the only ones to have handed down decisions punishing deeds on the basis of a proper characterization of them.

Measure to combat trafficking in persons

82. In addition to the provisions in the criminal code, Senegal has also passed a law – Law No. 2005-05 of 29 April 2005 – and, at the institutional level, established the Unit to Combat Trafficking in Persons.

8. Impact on prostitutes of Article 9 of the Code of Misdemeanours

83. In fact, prostitution is not outlawed and does not constitute a crime in Senegal. It is, nevertheless, strictly regulated by Law No. 66-21 of 1 February 1966.

84. Failure to register with the health authorities or to carry a health certificate does constitute criminal offences punishable with imprisonment or a fine.

85. Prostitution of a minor is prohibited by Law No. 2005-05 of 29 April 2005 on trafficking in persons and similar practices.

Legal obligation for women who engage in prostitution

86. Far from being a discriminatory measure, the obligation to register is designed to protect women who engage in clandestine prostitution against sexually transmitted diseases, because, thanks to registration, they are obliged to be subject to preventive check-ups.

87. A specialized institution has been established to address prevention and protection issues. It should also take prevention of sexually transmitted diseases into consideration.

Provide information regarding the prostitute incarceration rate

88. In 2014, 118 prostitutes were registered as detained, that is to say, 18.80% of the prison population. They are usually held for very short periods, unless they are repeat offenders. Thanks to support measures, they submit to health check-ups.

Educational and economic solutions to prostitution, programs to help women emerge from prostitution, and measures to reinsert and reintegrate women who free themselves from it into society

89. To start with, as indicated in the report, the State has embarked on numerous social programmes aimed at improving the living conditions of the most vulnerable segments of society. Former prostitutes can easily benefit from these programmes, particularly since they normally live in impoverished neighbourhoods.

90. Next, former prostitutes have formed association to educate their sisters still engaged in prostitution about the disastrous effects of that profession and about the prospects of social and professional reintegration once they stop being prostitutes.

Participation in political and public life

9. Absolute parity between the sexes in all elected organs

91. It is worth pointing out, right away, that Law No. 2013-10 of 28 December 2013 on the general code governing local authorities ushered in Decentralization Phase III. It did away with the region as a local authority. Hence, there is no breach of the law on parity at the regional level because there is no

longer any regional council to elect. By opting for comprehensive communalization, that law also turned all rural communities into communes. It further turned the department into a local authority. Since then, the two local levels of government are the departmental level and the communal level.

92. In addition, through Law No. 2007-40 of 13 November 2007 and Law No. 2010-11 of 16 June 2010 establishing absolute parity of men and women in all fully or partially elective institutions, Senegal abundantly demonstrated its resolute determination to guarantee to equal access of men and women to public office. That same commitment was also evidenced by the signing of Decree No. 2011-819 of 16 June 2011, regulating implementation of the law establishing absolute parity of the sexes.

93. Article 1 of that decree stipulates that "pursuant to Law No. 2010-11 of 28 May 2010, instituting absolute Man-Woman parity in all fully or partially elective institutions, the lists of candidates for election in said institutions shall comprise persons of the two sexes, alternating, on pain of ineligibility."

94. According to Article 2 of that decree, the institutions in question are, in particular:

- Local authority councils and their offices and commissions;
- The National Assembly, its office and its commissions;
- The Office of the Economic, Social and Environmental Council and its commissions.

95. Furthermore, according to that article, should a post become vacant, "the next incumbent must be of the same sex."

96. The Electoral Code shows the same concern for the observance of parity. Thus, for legislative elections, Article 7.143, subparagraph 3 stipulates that "in any event, man-women parity is required in all lists." In the same vein, for departmental elections, subparagraph 2 of Article L.193 of the Electoral Code provides that "man-women parity shall apply to all lists. The lists of candidates, be they the would-be incumbents or alternates, must alternate between men and women." Likewise, for municipal elections, Article L. 224 establishes that "all lists submitted must observe parity between men and women."

97. For its part, Article 31 of Law No. 2013-10 of 28 December 2013 provides that "the departmental council shall comprise male and female departmental councillors," while Article 92 refers to the "municipal council composed of male and female municipal councillors."

98. Following the departmental and municipal elections held on 29 June 2014, parity was observed for the first time at the local level. Once those elections had been held, the local authority councils were elected. The disputed claims arising from that election, including the issue of observance of the law on parity, are still pending review by the judge.

99. Particularly in the case of the religious town of Touba, no legal provision stands in the way of those who contest the validity of the election of the municipal council going to the courts. In fact, given Touba's special status, it was never a question of a violation of the law on parity given the lack of presentation of female candidates. While it would still have been possible to declare the list null and void,

there was a real risk of obstructing the process. By comparison, the Supreme Court did declare the lists and even the elections themselves null and void on the grounds that the parity law was not respected.

100. According to Law No. 02010-11 of 28 May 2010, instituting parity, once it is established that its provisions have been breached, the penalty is annulment.

101. Furthermore, it is worth pointing out the establishment, by Decree No. 2011-309 0f 7 March 2011, of the National Observatory on Parity (ONP), an autonomously run agency reporting to the President of the Republic. According to Article 3 of the aforementioned decree, the agency's function is, inter alia:

- To identify obstacles to the implementation of parity in all political, social, cultural and economic spheres and to take note of any inequalities and anomalies encountered with respect to women's rights and gender equality;
- To supervise the implementation, monitoring, verification and evaluation of the protection and security mechanisms for preventing and countering inequalities between men and women at all levels of social life.

Measures adopted to achieve equal representation of men and women in decision-making positions

102. From the outset it should be noted that there is no provincial level in Senegal. The country's administrative divisions are: regions, departments and *arrondissements* (boroughs).

103. In addition, Article 8 of Law No. 61-33 of 15 June 1961 on the general rules governing civil servants precludes any distinction between the two sexes in their implementation. That same provision also applies to judges and diplomats even if they are also governed by their own statutes.

Education

10. Effectiveness of measures adopted to increase girls' access to education

104. 2014 marks year 2 of implementation of the Program for Quality, Equity, and Transparency Improvements in Education and Training (PAQUET-EF). This programme implements Senegalese policy in the area of education and training for the 2013-2025 period. In adopting it, Senegal established a mechanism aimed at:

- Defining a coherent and well-planned policy on the education of girls and literacy for women that takes families' expectations into account;
- Enhancing synergies in actions undertaken by the State and its partners;
- Advancing communication and information-sharing among all those involved;
- Stepping up advocacy of education for girls among key players in the educational community, local authorities, and school partners;
- Organizing participatory action research on the subject of gender equality in education;
- Establishing a monitoring mechanism.

105. Thus, the performance report evaluation tool highlights for each programme the extent to which scheduled activities were actually carried out, strengths,

challenges to be overcome, lessons learnt and actions to be undertaken to achieve gender-related goals.

106. The PAQUET programme is reviewed every year, with regional meetings. It brings together all those involved in the programme, including civil society organizations and technical and financial partners.

a. Allocating sufficient funds for education

107. Forty per cent of Senegal's operating budget, excluding overheads and debt obligations, is allocated to education. The State provides 80% of the financing for education. In 2000 to 2012, the resources allocated to the sector exceeded projections.

b. Making primary school genuinely compulsory

108. In connection with the Conferences on Education and Training, a working group has been established to look into the ten years of schooling requirement. At the elementary school level, in 2014, it found a gross enrolment rate (GER) for the Initial Course (IC) of 99.8%, a primary school completion rate (PCR) of 73.4% and a GER of 82.6%, compared to 113%, 65.9% and 93.0%, respectively, in 2013.

109. These outcomes were achieved thanks to a series of measures, including:

- Lowering of the IC recruitment age from 7 to 6, since 2013;
- Establishment of the basic level (*cycle fondamental*) as one of the PAQUET's initial priorities with the institutionalization of 10 years of Basic Education;
- Restructuring of the Ministry with the establishment of a Basic Education Directorate;
- Raising of the CM2-first year of intermediate grade (*première année du moyen*) transition rate (75%) in 2014;
- Introduction of a programme to boost maths and reading skills in children with learning difficulties;
- Elimination of grade repetition within a school term (*redoublement intra-étape*);
- Limiting of grade repetition within a school term to at most 5%;
- Elimination of expulsion (*suppression de l'exclusion*);
- Elimination of primary school enrolment fees;
- Allocation of resources directly to schools as a way of improving community involvement.

c. Bearing in mind the presence of girls and boys in school facilities, such as lavatories

110. The new school construction rules take two essential dimensions into account: gender (separate and distant toilets as well as a multi-purpose platform catering to girls' specific needs) and disabilities (ramps and other facilities).

d. Reducing the high level of illiteracy among women

111. Eradicating illiteracy reflects a political determination to act on a broader strategy that involves tackling this matter head on. Thus, Senegal has embarked on a series of programmes to lower the illiteracy rate:

- The development of a certified literacy programme for women working in local natural resource processing units in the regions of Saint Louis, Thiès, Ziguinchor and Dakar, along with the provision of modern equipment designed to increase their output;
- Literacy programs for 90 female inmates in the Liberté 6 and Rufisque prisons, with a view to preparing them for socio-economic reintegration;
- Participation in the implementation of the Literacy and Occupational Apprenticeship Programme (PALAM) directed by the Ministry of the Family with the training of 8,000 youth who have not gone to, or dropped out of, school with at least 65% of girls in 200 local community schools. Literacy courses for 10,000 women workers and occupational apprenticeship for 3,000 young people

e. Raising girls' school enrolment and retention rates

112. The enrolment rate for girls rose from 39.7% in 2000 to 50.8% in 2014, an 11.1 percentage point improvement. That development is corroborated by the higher annual average growth rate for girls (11.2%) than for boys (7.2%). Awareness campaigns and other activities in support of keeping girls on at school, coupled with other factors, explain the progress achieved with girls' access to the intermediate grade (*cycle moyen*).

f. Overcoming obstacles to girls' access to education

113. The Girls' Education Development Plan outlined broad strategies. At the more operational level, several steps have been taken, namely:

- Measures to encourage school attendance by girls: the provision of uniforms, school kits, scholarships, prizes for the most deserving girls, closer schools (elementary schools, high schools and colleges), and so on;
- Revision of the school map with a view to shortening the distances that students have to travel;
- Reinforcement of the school canteen policy;
- More diversified curricula, offering more teaching of Arabic and the introduction of French and Arabic-speaking schools in areas resisting a classic education;
- Much wider replication of awareness campaigns on the need to lighten domestic chores and eliminate gender-based violence, child marriages and teen pregnancies, through implementation of national and neighbourhood communication plans;
- Actual celebration, at the national level and in all the regions, of National Girls' Education Day each November 11;

- Efforts to combat poverty by helping the Associations of Students' Mothers (AME) to develop income-generating activities, in which half the profits go to school management committees so that they can cater to girls in difficult situations.

g. Curbing the violence and harassment girls are subjected to

114. Corporal punishment is officially banned in schools. Violent acts and harassment by teachers are subject to severe criminal penalties (with no possibility of suspended sentences; cf. Law No. 99-05 of 29 January 1999, amending Articles 299 bis, 300, 319, 320, 320 bis, 323, 324 and 327 of the Criminal Code) as well as administrative penalties, including the possibility of being debarred from teaching.

h. Increasing the number of women teachers and the number of women occupying decision-making positions in the educational system

115. Women accounted for only 31.3% of teachers in 2012 and fewer than 1% of them hold positions of responsibility.

116. To mitigate this shortfall, Senegal has devised a 2015-2019 Promotion of Women Teachers Plan, geared principally to:

- Advocating a review of the regulatory framework from a gender perspective and improvements in the working environment thanks to effective participation by communities in general and local communities, in particular;
- Academic and professional capacity-building for women;
- Awareness-raising regarding the stakes involved in promoting education for girls.

i. Including gender issues in teacher training

117. To achieve gender mainstreaming in the school environment, Senegal has embarked on a robust capacity-building programme including:

- Drafting a teacher's handbook for gender mainstreaming in teacher training benchmarks;
- Training 40 trainers in gender mainstreaming in teacher training benchmarks;
- Provision of a gender and education module at the Education and Training Sciences and Technologies Faculty (FASTEF) for training future teachers and education and vocational training Inspectors;
- Training of Trainers at the Regional Centres for Training Education Sector Personnel (MEN).

Access to education for pregnant students

118. The effectiveness of such teaching is undoubted (*l'effectivité est réelle*). However, for the girl's safety and health, she is advised to stay at home during her pregnancy and then readmitted after delivery to resume her education as normal. Even women who work have a right to maternity leave.

School canteen programme

119. Many schools have canteen programmes to ensure that the students are fed better, given the sense that, in some underprivileged environments, student's dietary difficulties can prove to be a major obstacle to their learning.

120. Coverage by level:

- Comprehensive Earl Childhood Development (DIPE): 26%
- Elementary school education: 46%

121. Coverage/girls

- DIPE: 5%
- Elementary school education: 41%

Employment

11. Sexual harassment in the workplace

122. The difficulty with proving sexual harassment in a professional environment prevents us from providing reliable statistics on the practice.

123. Nevertheless, employers are duty-bound to guarantee the physical and moral safety of their employees. Anyone who denounces acts of harassment is automatically protected against dismissal. Thus, a supervisor would have to prove harmful intent if he wishes to dismiss her. Witnesses to the facts are also protected. Thus, legal instruments are in place to ensure the safety of victims. If the female employee is frightened of disclosing the facts in-house, there is also an intermediary to take care of that: the in-house doctor, who may launch an investigation. If the investigation report points to harassment, the supervisor is required to take steps. Thus, sexual harassment in the workplace is a complex issue for the victims, perpetrators and employers, alike.

Wage discrimination and occupational segregation in the public and private sectors

124. Non-discrimination in employment is a basic principle for the Senegalese State, which has ratified LO Conventions 100 and 101 [Tr. 111?] on wage equality and employment and occupation discrimination, respectively.

125. By virtue of that principle, tax equality brought about a major correction to the prevailing state of affairs in the civil service.

126. Actually, there is no issue of segregation because Article 25 of the Constitution of Senegal proclaims that "*everyone has the right to work and the right to seek employment. No one may be adversely affected in his work on the grounds of his or her origins, sex, opinions, political choices, or beliefs.*"

127. These constitutional provisions are echoed in the provisions of Article L105 of the Labour Code.

Social protection for formal sector employees

128. With respect to social protection, the labour code makes no distinction between the formal and informal sector. An employer is obliged to inscribe his workers in a social security scheme.

129. For the private sector, agencies such as the Social Security Fund, the Retirement Planning Institution, and Health Insurance Institution have been set up, that require substantial contributions from employers, with the worker paying part of the cost.

130. Self-employed workers are solely responsible for their own social protection. Mechanisms are in place for providing information and raising awareness regarding health and social protection issues: optimum organization of women makes it easier to adopt initiatives in this area.

Social protection of women working in the informal and rural sectors

131. For the sector that is neither public nor private and described as the informal sector and rural society, initiatives have been taken to protect workers, including, in particular:

- The Decent Work Country Programme (PPTD 2012-2015), which is both the Government's guide to promoting decent work and social protection, above all in the informal sector, and also the principal framework used by the ILO to provide support for the drafting and implementation of policies and for capacity-building.

132. One of the priority goals of this programme is to strengthen and expand social protection.

- The Simplified Regime for Small Taxpayers (RSPC) is a government programme to achieve the social inclusion of informal sector workers and to assist their transition into the formal sector.

133. Also worth noting are the projects developed and implemented by the State to achieve universal health care.

12. Legal provisions regarding family allowances

134. A female wage-earner can only legally be regarded as bearing responsibility for the children born of her marriage when her spouse is not performing any remunerated activity, be it as a civil servant or a worker. It is only then that she receives family allowances.

135. The reforms carried out affect neither the articles cited -- Articles 21 and 87 of the Social Security Code – nor Law No. 73-37 of 31 July 1973.

136. Provision is made for a widow's pension, but the children receive no allowance.

137. Upon the death of her husband, a woman receives a survivor's pension equal to 50% of the husband's pension. If the husband was entitled to a retirement fund pension, the female wage-earner chooses whichever pension is larger.

Health

13. State whether abortion is authorized by law when the physical and mental health of the mother is endangered

138. Abortion is still forbidden, even in cases of major foetal malformation.

State whether the State Party plans to legalize abortion in cases of rape, incest and major foetal malformation

139. Discussions in this area are under way. Organizations defending women's rights have advocated access to safe abortion in sexual abuse cases. Thus, the key question – a major challenge today – is the possibility of women being able to resort to abortion in all the instances listed in Article 14 of the Maputo Protocol.

Frequency of unsafe abortions and the percentage of women in detention after being convicted of having had an illegal abortion

140. Statistics are difficult to come by given the conditions under which abortions are carried out.

141. The number of women in detention due to an illegal abortion is very low: 27, or 0.09% of the prison population in Senegal [Tr. Check French original?]

Consequences of unsafe abortions

142. In 2012, there were approximately 51.500 abortions in Senegal, i.e., 17 abortions per 1,000 women of child-bearing age. More than half (55%) of the women involved suffer from complications requiring medical care and 42% of those women do not, however, receive the medical care they need.

143. The complication rates are highest for abortions induced by the women themselves (79%) or carried out by an unqualified service provider. The lowest rates are for abortions performed by a doctor (22%) or by a nurse or midwife (35%).

14. Maternal health

144. It should be noted that the maternal mortality rate is estimated at 392 (not 410) per 100,000 live births.

145. As regards access to basic obstetrical care, above all for impoverished and rural women, Emergency Obstetrical and Neonatal Care (SONU) Services have been set up in almost all the country's 76 health districts.

146. Deliveries in seven regions and caesarean sections throughout Senegal are cost-free. The technical platform, infrastructure and logistics have all been improved.

147. Nevertheless, these efforts are thwarted to some extent by the existence of remote areas difficult to reach, women's low decision-making powers and poverty.

Educational programmes tailored to the needs of persons of different ages on sexual and reproductive health and rights

148. Contraceptive prevalence rates have improved considerably in recent years, reaching 20% in 2015. This is thanks to political engagement at the highest levels of government, support from partners, commitment on the part of all those involved, and access to contraceptive products based on a community approach and the right "push" supply model.

15. Women's access to cost-free antiretroviral treatment

149. Currently, prevention of the transmission of HIV from mother to child is included in reproductive health care and all women coming for ante-natal

consultations are advised to screen for HIV. In 2014, almost 80% (77%) of pregnant women coming for an ante-natal consultation benefited from screening. Approximately 60% (58.2%) of those who test HIV- positive are given antiretroviral treatment to prevent the transmission of HIV to their child.

150. Anti-retroviral treatments are cost-free. Nevertheless, not all those screened agree to undergo treatment to prevent transmitting HIV to the child about to be born.

Economic and social benefits

16. Progress made with implementing the Nutrition Programme for Children. Social transfers and women's access to microcredit.

151. Family protection grants help to counter families' vulnerability and social exclusion through comprehensive social protection aimed at facilitating their access to social transfers and at boosting, among other things, their educational, productive and technical capacity. Two hundred thousand (200,000) households currently receive welfare grants worth CFAF 100,000 each per year (total grants thus amount to CFAF 20 billion). The goal is to reach 300,000 households by 2017.

Rural women

17. Information regarding the social protection mechanism for the agricultural and agroforestry sector

152. Within the thematic group on Formal Recognition of Agricultural Occupations of the Agro-Sylvo-Pastoral Framework Law, two projects (5 and 6) have to do with establishing and implementing an agro-sylvo-pastoral social protection scheme and an implementation plan to go with it; hence the promulgation of Decree No. 2008-1262. Instituting an agro-sylvo-pastoral social protection scheme for persons engaged in agricultural occupations in the broad sense of "agriculture."

Information on the MDG safe water and sanitation programme

153. Since the Millennium Development Goal safe water and sanitation programme was launched, there has been an increase in financial investment in rural areas. Projects have often consisted of building small water delivery systems as a way of curbing the current practice of collecting water from unprotected wells. The transfer of responsibilities to users associations for the use of wells in rural areas – starting with the passing of the law on the public provision of safe water and sanitation – seems to have led to improvements in the state of infrastructure and in the pace of development of the water distribution network.

154. The principal initiative in place for ensuring access to water is a "social sector water service pipe" programme. Implemented, with international cooperation support, over the past 15 years, this programme seems to have helped greatly increase the number of households hooked up to the national water supply grid. Under this programme, private small-diameter pipe hook-ups are made free of charge to under-privileged households, which are allowed to consume up to 20 cubic metres of water per household every two months at subsidized rates.

155. Special attention is also being paid to securing production and preventing shortfalls projected to reach 200,000 cubic metres/day by 2025 in Dakar and on La Petite Côte. With that in mind, the Government has already embarked on the

rehabilitation of 10 wells as part of an emergency programme due to be completed in 2015. Those wells will provide an additional 34,500 cubic metres per day. Construction of an iron processing plant is also planned, with a view to improving water quality in the suburbs of Dakar.

156. There will also be a big push to improve sanitation services. As part of that effort, the Government hopes to clean up Hann Bay. The purification plant at Cambérène will be rehabilitated and its capacity increased to 52,000 cubic meters/day. Other priorities are to restore the Hann-Fann collecting sewer and clean up Cité Soleil. These projects involve outlays of more than CFAF 83 billion.

157. In connection with efforts to improve households' living conditions, negotiations are well under way with private partners to finance the Sustainable Management of Urban Solid Waste Project, which will cost CFAF 17.5 billion. It will improve local authorities' management of solid waste.

158. In rural sanitation, 36,000 individual constructions and 100 public lavatories will be built by 2017. As regards hydraulic works, of the 300 rural well drillings scheduled, 82 wells and 71 water towers have already been constructed and are serving 552 villages and towns (337,500 people). The programme will be expedited so as to achieve its goals by 2017.

Mechanisms for keeping track of implementation of policies and programmes affecting women's standard of living in rural areas

159. In order to monitor implementation of policies and programmes, since 2006 Senegal has been using a medium-term sectoral expenditure framework based on performance reports and annual reviews of the sector. That framework takes gender-sensitive indicators into account. Moreover, gender strategies are built into most agricultural sector projects and programmes.

Indicate whether the State Party has systematically incorporated gender issues in existing programmes to help rural women

160. Steps have been taken to facilitate women's access to agricultural inputs and equipment, irrigation facilities and financing for agricultural projects (bissap [(Hibiscus sabdariffa L] and cowpea programmes, micro-gardening, agricultural machinery and the Kuwait Fund, and so on).

18. Women's access to land ownership

161. First, it is to be noted that, after proclaiming the equality of men and women in Article 7, the Senegalese Constitution guarantees, in Article 8, a series of rights for all citizens without discrimination, including the right to own property. Thus, from a legal standpoint, there is no obstacle to women inheriting land or having access to land ownership.

162. It is true that most of the population of Senegal is Muslim. However, when it comes to inheritance rights, Islamic law is not ordinary law (*le droit commun*).

163. Women's access to land is likewise governed by decentralization, meaning that management of estates depends on powers transferred to local communities. Now, those communities are administered by councils in which, with the introduction of parity, there are as many women as men. Since then, women participate fully in

deliberations regarding the allocation or withdrawal of lands to or from their fellow citizens.

Disadvantaged groups of women

19. Situation and conditions of women in prison

164. As a steadfast rule, men, women and children are kept separate from one another: no exception is tolerated in that respect.

- *In Dakar*: A specific characteristic of the Liberté 6 women's prison is that it houses both women in pre-trial detention and female convicts who may be compelled to give evidence. In contrast, as its name suggests, the detention and corrections center in Rufisque houses both defendants and convicts.
- *In the regions*: Every penitentiary has a block especially fitted out to receive women.

165. In addition, in women's prisons, minors are held separately and the prison personnel are all female.

166. Women detainees are given dietary, health and hygienic facilities. Thus, they are entitled to three meals a day which they prepare at their convenience and to comprehensive medical care (hospitalization, medical expenses, delivery, and so on)

167 Considerable effort has gone into improving conditions for women in prison. They receive a fresh package of toiletries on a regular basis.

168. As part of their social and educational rehabilitation, women in prison can worship as they please and benefit not only from education and literacy classes but also from training courses (in poultry raising, hair dressing, sewing and dyeing) as a contribution to their empowerment following their release. They receive earnings from the sale of their products.

169. The social reintegration component of Senegalese prison policy provides numerous opportunities for inmates, particularly female inmates.

Measures adopted and planned to guarantee disadvantaged groups of women access to health care, education, water, food, housing and income-generating activities

170. As for health, universal health care coverage allows all citizens, including disadvantaged women, to access health care. Likewise, the social welfare law (*loi d'orientation sociale*), the equal opportunity card and the social security grant are instruments permitting better access to basic social services and income-generating activities by providing the basic requisites for survival. The "one family, one roof" programme is also part of this drive.

Marriage and family relations

20. Discriminatory provisions in the Family Code and their coexistence alongside traditional practices

171. See replies already provided on the foregoing matters.

Schedule for eliminating all discriminatory provisions in the Family Code

- Difference between the minimum age for marriage for men and for women (Article 11): This provision should be amended in the draft of the new Family Code.
- Designation of the husband as the head of household (Articles 277 and 152): Thought is being given to this matter. It is to be noted that paternal authority may be exercised by the woman.
- On the husband's right to choose the place of residence (Article 153): Here, too, discussions are under way.
- Polygamy (Article 116): Thought is being given to this matter.
- Discriminatory provisions regarding the rescission of a commitment (Article 116): Thought is being given to this matter.
- Discrimination against Muslim women with respect to their right to inherit (Article 637): This is a very delicate issue having to do with prescriptions in the Koran. Fortunately, under Islamic law, devolution of an estate is left up to the wishes of the deceased. Thus, the law allows an heiress who considers that devolution of an estate under Islamic law is detrimental to her can contest it by invoking violation of the provisions of Article 571 of the Family Code.
- Unequal division of property in the event of a divorce (Article 381): Article 381.4 provides for the possibility of a woman defending her rights.

Customary practices that discriminate against women's right to inherit land

172. See the reply to question 18.

Amendment to paragraph 1 of Article 20 of the Convention

173. Given the importance of the tasks assigned to the Committee, Senegal supports the proposed amendment.